

John Gauvin's Comments on how Proposal 33 meets SSL Committee Goal and Objectives (in Blue):

Goal: Develop regulatory changes to the Atka mackerel, Pacific cod, and pollock fisheries' SSL mitigation measures that continue to meet the mandates of the ESA, MMPA, MSFCMA, and other applicable laws, while conserving marine biodiversity and sustaining viability of the diverse fishing communities dependent upon the Alaska fishery resources. Proposal 33 would allow for direct control on mackerel harvest rates in SSL CH in AI sub-areas 542 and 543. Weekly average and daily peak rates would remain below those that occurred since the SSL measures of 2001 and could evolve to much lower rates if stacking of mackerel quota on smaller number of mackerel boats occurs. The "lower and slower" objectives of the 2001 SSL measures would thus be better attained under this proposal.

Objectives:

1. Continue to avoid jeopardy and adverse modification.

- Is there additional fishing effort inside of SSL critical habitat? **No. Mackerel effort in SSL CH could be at slower rate than currently occurs under SSL HLA mackerel regulations and current regulations that do not allow concurrent cod and mackerel effort are maintained.**
- Does the proposal provide trade-offs that reduce the total negative effects to SSL? **Because the proposal better attains the original intent of the 2001 SSL regulations, tradeoffs are not needed for this proposal.**
- Does the proposal open a substantial amount of critical habitat? **Does not open any new SSL CH**
- Does proposal indirectly provide protection to additional sites? **No**
- Does proposal indirectly affect nearby SSL sites? **No, but it could make currently allowable inside CH fishing have less impact on sensitive SSL sights**
- Does proposal affect important research site? (eg Chiswell) **No**
- Does proposal offer additional measures to control fishing rate or effort? **Yes. This is the major intent of Proposal 33. Rates would remain below rates that have occurred under current HLA measures and if mackerel is stacked on smaller number of Amendment 80 vessels, weekly and daily catch rates can be expected to decrease.**
- Does the proposal affect an SSL site that has special importance? (eg. Marmot) **No.**
- Does the proposal reduce the no-fishing time between end of year (December) and first of year (January) fisheries at a critical time for SSL? **No.**
- Does proposal shift effort into a time/space or prey availability level that may have negative effect on SSL? **Any shift should be in a positive direction for SSL. If NMFS needs to adjust mackerel seasons to further protect SSL, then this could occur and Proposal 33 would just affect the pace of mackerel catches within those seasons.**
- Does the proposal affect the number of fishing days required to harvest the quota? **At a minimum, our proposal would result in a mackerel fishery that would catch mackerel at a rate that would not exceed current (220-2007) average weekly and daily peak rates. So our proposal**

may result in a status quo or longer mackerel fishing period within CH in each A and B season. To the degree that in the first year of Amendment 80 cooperatives, mackerel fishing has been affected by the fleet's inability to understand the interaction between of SSL regulations that trump Amendment 80 and Amendment 80 itself. So for 2008, the mackerel fishery will likely leave a considerable amount of HLA mackerel un-harvested in A season. This would not be expected to occur in the future and the first year of Amendment 80 should not be used as a basis for comparisons.

2. Encourage development of a sound experimental design for monitoring. Allowing inside HLA fishing to be scheduled through intercooperative agreements may provide a more practical ability to work with NMFS on controlled experiments to determine how catch rates affect local mackerel abundance and how this effects SSL. With an ability to control mackerel catch rates, possibilities for testing for the effects of different levels of catch rates are certainly greater if NMFS has the resources to design the experiments.

3. Minimize adverse social and economic impacts.

- Does the proposal provide economic benefits? Yes, it allows the intended benefits of Amendment 80 to be realized in the mackerel fishery (bycatch reduction, improved efficiency, improved product quality and retention rates) to be attained. At the same time, it allows for

efficient adjustments to the mandates of SSL regulations where daily and weekly catch rates need to be controlled so as to avoid effects on SSL foraging opportunities.

- What is the impact upon harvesting and/or processing efficiency? Allows stacking of quota on smaller number of mackerel boats if economics of the fishery mean this will be beneficial. Additionally, the removal of the platoon system (divide boats in half and force deployment to two different fishing areas) will mean that much less fuel and travel time will be needed to catch the allowable HLA TAC. This is because all the mackerel boats won't have fish both 542 and 543 areas.
- Does the proposal have any effects on other fisheries? Proposal will help NMFS in-season managers to schedule cod openings with less controversy and disagreement. Cod fishermen will be able to access 542 and 543 HLA areas with more advanced notice and greater certainty than currently occurs.
- Will the proposed action be further affected by recent or pending council actions? Now that Amendment 80 regulations are published, proposal 33 has been redrafted and reflects a better understanding of how Amendment 80 works and how A. 80 and SSL regulations interact currently. No pending Council actions are expected to change how this proposal would work.

4. Minimize bycatch of PSC and other groundfish.

- Does the proposal potentially create bycatch issues in other SSL prey species? NO
- Does the proposal potentially create bycatch issues in PSC species? NO

5. Promote safety at sea.

- Does the proposal reduce or increase safety for the fleet? Yes. With the current race against the HLA 14 day maximum opening duration clock, mackerel boats are forced to fish in whatever

weather occurs when the HLA areas are open. This proposal could allow for adjustments in the fishing windows such that mackerel boats do not have to fish when the gun goes off and the more distant HLA fishing (areas farthest from safety and assistance resources) can be fished in the better weather months.

6. Minimize adverse impacts to threatened and endangered species in the BSAI and GOA **No effects either way**